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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/462,075	01/06/2000	MAKOTO SATO	0670-221	4639

31780 7590 06/07/2004

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EXAMINER

PSITOS, ARISTOTELIS M

ART UNIT	PAPER NUMBER
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2653

DATE MAILED: 06/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/462,075

Applicant(s)

SATO, MAKOTO

Examiner

Aristotelis M Psitos

Art Unit

2653

--~~THE~~ MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 25 May 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 6 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☒ A Notice of Appeal was filed on 25 May 2004. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☒ The proposed amendment(s) will not be entered because:
- (a) ☒ they raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☒ they raise the issue of new matter (see Note below);
- (c) ☒ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See next page.

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: see next page.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: _____.

Claim(s) objected to: _____.

Claim(s) rejected: ALL.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☒ Other: See next page.

Aristotelis M Psitos
Primary Examiner
Art Unit: 2653

Continuation Sheet (P. 102-000)

Item 2 continued: Applicants' amendments to the claims, alters the scope that was previously examined and searched. Such alterations d require more than a cursory review of the art of record and would neceesitate a NEW search. Under present USPTO practice, such is not performed at the present time juncture.

Item 5 continued. Applicants' arguments are drawn to the newly introduced NON entered amendments and hence are not germane to the claims finally rejected. With respect to the Hisamatsu reference failing to provide or suggest a receiving tuner, the examiner again points to col. 1 lines 24-28 WHICH MOST CERTAINLY DOES SUGGEST SUCH. With respect to Scheffler, applicants' attention is drawn to col. 1 lines 12-26. The examiner interprets such as implying/suggesting a tuner. With respect to the arguments against Young, again such are drawn to NON ENTERED LIMITATIONS and hence not persuasive. Dependent claims fall accordingly.

Item 10 continued. The IDS filed 11/26/03 has been received. The exmainer has considered the JP documents. However, since an in depth review of these references vis-à-vis the previously rejected claims NO NEW REJECTIONS predicated upon such is presented.

In addition the writtent notification of reasons for refusal is not made of record. It is placed in the file. Applicants' query with respect to the previously NON entered written notification in the IDS of 8/13/03 is acknowledged. Since this is a communication after applicants' filing date (as is the newly cited writtent notification) it is NOT PRIOR ART. Hence it can not be considered. IT IS NOT PRIOR ART. If applicants' desire such to be considered, then the examiner respectfully requests citation of appropriate authority to do so, because he is unaware of any.